

CARTER LEDYARD & MILBURN LLP
Counselors at Law

Timothy J. Fitzgibbon
Partner

Direct Dial: 202-623-5705
E-mail: fitzgibbon@clm.com

1401 Eye Street, N.W., Suite 300
Washington, DC 20005

Tel (202) 898-1515
Fax (202) 898-1521

2 Wall Street
New York, NY 10005-2072
(212) 732-3200

570 Lexington Avenue
New York, NY 10022
(212) 371-2720

January 28, 2004

BY ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: Ex Parte Notice in CS Docket No. 98-120

Dear Ms. Dortch:

On Tuesday, January 27, 2004, Kent A. Rice, Chief Executive Officer of the International Channel, Andy Dale, Chief Executive Officer of the Outdoor Channel, and I met with Commissioner Kathleen Q. Abernathy and her mass media legal advisor, Stacy R. Fuller, regarding the above-referenced proceeding on carriage of digital television broadcast signals. We also met separately with William H. Johnson, Deputy Chief of the Media Bureau, and Eloise Gore, Assistant Chief of the Policy Division of the Media Bureau.

We discussed the programming services offered by the International Channel and the Outdoor Channel and the efforts of each service to secure cable distribution over the past ten years. We discussed how the distribution of each service has been affected adversely by the existing must-carry and retransmission consent rights afforded to broadcasters and how expansion of those rights to broadcast digital multicasts would further injure programmers that are not affiliated with broadcasters, like the International Channel and Outdoor Channel. We also discussed the reduction in the diversity of programming services available to cable consumers that would result from requiring cable operators to use up to one-third of their system capacity to carry broadcast multicasts that are or should be available over-the-air on spectrum that has been awarded to broadcasters by the government free of charge.

Please contact me if you have any questions regarding this notice.

Very truly yours,

/s/
Timothy J. Fitzgibbon

TJF:lac

cc: Commissioner Kathleen Q. Abernathy
Stacy R. Fuller, Esq.
Eloise Gore, Esq.
William H. Johnson, Esq.